



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
6506 HAMPTON BLVD.
NORFOLK, VA 23508-1273

IN REPLY REFER TO:

COMNAVREGMIDLANT
INST 5700.1
PM SS/PM1

09 APR 2001

COMNAVREG MIDLANT INSTRUCTION 5700.1

Subj: USE OF MORALE, WELFARE AND RECREATION FACILITIES BY
NON-FEDERAL ENTITIES

Ref: (a) COMNAVREGMIDLANTINST 3120.1
(b) SECNAVINST 5720.44 Series
(c) DODINST 5700.7-R
(d) BUPERSINST 1710.11 Series
(e) DODINST 1015.10
(f) BUPERS Guidebook for Corporate Sponsorship
(g) BUPERSINST 1710.13 Series
(h) SECNAVINST 1700.11 Series
(i) DODINST 1000.15
(j) OPNAVINST 5760.5 Series
(k) DOD Directive 1015.6

1. Purpose. Regional Program Managers (PMs) have the responsibility to develop standardized regional policies, practices, and procedures as stated in reference (a). This instruction provides regional guidance, to be executed locally, on the use of Morale, Welfare and Recreation (MWR) facilities by Non-Federal Entities (NFEs).

2. Policy. The Installation Commander (IC) acts as the representative of Commander, Navy Region, Mid-Atlantic within the IC's assigned geographic area, and thus conducts/coordinates liaison with local municipal governments and communities. The PM for Regional Support Services is responsible to provide functional support to meet each installation's mission. The IC exercises duties normally associated with command, both as to IC staff and assigned PM storefronts. Each IC, therefore, is best equipped to be the approving authority for purposes of responding to routine NFE requests to use MWR facilities on their respective installation. This instruction delineates that authority. As overall Program Manager (PM), Regional Support Services will retain financial, policy, and non-routine responsibilities. The following guidance will assist PM and IC staff, in consultation with the local Judge Advocate or Office

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of General Counsel (OGC), in determining whether to grant or deny such requests. The OGC, Naval Support Activity (NAVSUPACT), Norfolk is available on a consultative basis.

3. Military Patrons Primary. While support of an NFE event using MWR facilities may be consistent with the IC mission to enhance community relations, it should not conflict with the MWR mission to military members and other authorized patrons. The decision to grant, and the implementation thereof, should not interfere with access to MWR facilities by primary authorized patrons.

4. NFE Events. References (b) and (c) govern logistical support of NFE events. Reference (b) prohibits Navy support that is a restraint of trade in the employment of civilians in their art, trade, or profession. Support of programs that are intended or appear to endorse, selectively benefit or favor any private individual, special interest group, business, religion, ideology, commercial venture, political candidate or organization is also prohibited.

5. Pursuant to reference (c), MWR facilities may be made available for community events sponsored by an NFE when logistical support of the event:

- a. Will not interfere with official duties.
- b. Serves an official interest.
- c. Is appropriate for Department of Defense (DoD) involvement.
- d. Benefits DoD or community.
- e. Can be provided to other similar events on a non-preferential basis.
- f. Does not subsidize a for-profit event (i.e. the admission fee, if any, must not exceed cost of event).
- g. Does not violate statute or regulation.

6. NFE Fundraisers. In addition to the above criteria, reference (d) requires that an NFE fundraising event be:

- a. Purely local in nature.
- b. Of community-wide interest and benefit.

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c. Coordinated with or otherwise unaffiliated with the Combined Federal Campaign.

d. The use of revenue-generating recreation facilities, such as golf courses and bowling centers, for NFE fundraising events, in which the fee charged to participants includes a mark-up added to the MWR fee, is not prohibited. The potential perception, however, of unfair competition with the private sector or of improper federal subsidization of the charitable cause to benefit from the fundraiser should be carefully considered and precautions taken, including, but not limited to, an MWR fee charged to the NFE that is higher than that charged to authorized patrons and which is commensurate with commercial rates.

7. MWR Patronage Restrictions. In accordance with reference (d), non-DoD civilian groups and organizations may be permitted to use recreation facilities and services on an occasional basis. Authorization to participate on a continuous or recurring basis requires Navy Personnel Command (PERS-65) approval. Reference (d) provides that attendance at official MWR events by civilians in the community is subject to the following:

a. Attendance will not compete with similar entertainment in the community.

b. Reasonable procedures are established to ensure such use does not interfere with attendance by the persons intended to be the primary beneficiaries of the recreation program.

c. Attendance or use is not authorized on a continuing or recurring basis.

d. Appropriate fees are paid.

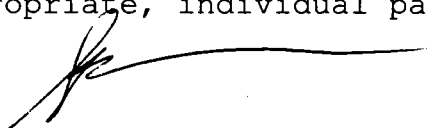
8. Commercial Sponsorships. In accordance with references (d) through (f), on-base recognition of commercial sponsors is strictly controlled and limited to official MWR events, and the posting of a disclaimer of official endorsement is required. Sponsorship arrangements made with the tobacco and alcohol industry must comply with these references, and telecommunication company sponsorships are subject to the exclusivity provisions of the Navy Exchange contract with AT&T. Commercial sponsorship of an NFE event must be coordinated with the MWR commercial sponsorship coordinator and OGC, NAVSUPACT, Norfolk.

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9. Food and Beverage Requirements. As a matter of regional policy, use of any MWR facility for an NFE function that will include food and beverage should include use of the food and beverage service available in the facility, if any. Reference (g) governs use of MWR clubs for personal or private social and business functions. The introduction of food and beverages into a club from outside sources is expressly prohibited. The sale, possession or consumption of alcoholic beverages is governed by reference (h) and should be strictly enforced.

10. Private Organizations and Youth Groups. Support of private organizations authorized to operate on the installation and nationally organized youth groups is governed by references (i) and (j), respectively.

11. Nonappropriated Funds Expenditures. Restrictions on expenditure of nonappropriated funds (NAF) are set forth in reference (k). NAF is for the collective benefit of military patrons. No unreimbursed NAF financial assistance of an NFE event is permitted. A waiver of liability and indemnification/hold harmless agreement should be obtained from the NFE and, where appropriate, individual participants.



S. E. BARKER
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Distribution List: (COMNAVREGMIDLANT/SOPA(ADMIN)HRINST 5216.2X)
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